UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

COUNTY OF HARRIS, TEXAS,	§	
Plaintiff,	§	
	§	
v.	§	
	§	
ELI LILLY AND COMPANY; NOVO	§	
NORDISK INC.; SANOFI-AVENTIS U.S.	§	
LLC; EXPRESS SCRIPTS HOLDING	§	CIVIL ACTION NO. 4:19-cv-04994
COMPANY; EXPRESS SCRIPTS, INC.;	§	
ESI MAIL PHARMACY SERVICES, INC.;	§	
EXPRESS SCRIPTS PHARMACY, INC.;	§	
CVS HEALTH CORPORATION;	§	
CAREMARK RX, L.L.C.; CAREMARK	§	
PCS HEALTH, L.L.C.; CAREMARK,	§	
L.L.C.; CAREMARK TEXAS MAIL	§	
PHARMACY, LLC; OPTUM, INC.;	§	
OPTUMRX, INC.; AETNA RX HOME	§	
DELIVERY, LLC AND AETNA	§	
PHARMACY MANAGEMENT	§	
SERVICES, LLC,	§	
Defendants	§	

STIPULATION REGARDING SERVICE AND SETTING TIME FOR RESPONDING TO THE COMPLAINT

Plaintiff County of Harris, Texas ("Harris County") and the Defendants¹ enter into the following stipulation regarding service of the complaint and deadlines for Defendants' response to the complaint:

1. Harris County will file its First Amended Complaint by January 31, 2020. Harris County's First Amended Complaint will include claims under the Texas Deceptive Trade Practices Act. Tex. Bus. & Comm. Code §§ 17.41-.63 ("DTPA").

¹ The "Defendants" are Defendants Eli Lilly and Company; Novo Nordisk Inc.; Sanofi-Aventis U.S. LLC; CVS Health Corporation; Caremark RX, L.L.C.; CVS Health Corporation; Caremark L.L.C.; Caremark PCS Health, L.L.C. Corporation; Caremark Texas Mail Pharmacy, L.L.C. Corporation; Express Scripts Holding Company; Express Scripts, Inc.; ESI Mail Pharmacy Service, Inc.; Express Scripts Pharmacy, Inc.; Optum, Inc.; Aetna Rx Home Delivery, LLC; Aetna Pharmacy Management Services, LLC.

- 2. Counsel for Defendants will accept service of process of the First Amended Complaint on behalf of their clients, expressly reserving the right to contest whether any party in the First Amended Complaint is properly named, and without waiver of any defenses, including those related to personal jurisdiction and venue.
- 3. Defendants' responsive filings to Harris County's First Amended Complaint (including answers or motions to dismiss) will be due 60 days after Harris County's First Amended Complaint is filed. This 60-day period will satisfy any abatement period under the DTPA. *See* TEX. BUS. & COMM. CODE § 17.505.
- 4. Harris County's response to Defendants' responsive filings will be due 60 days after the last of the Defendants' responsive filings is filed.
- 5. Defendants' replies supporting their responsive filings will be due 30 days after Harris County files its response.
- 6. Except as may be ordered by the Court, discovery in this action will be stayed pending resolution of any motions to dismiss filed by Defendants.

Signed this the day of	, 2020.
	Gray H. Miller United States District Judge
AGREED:	
/s/ Earnest W. Wotring Earnest W. Wotring Baker • Wotring LLP Attorney for Plaintiff Harris County, Texas	1/31/2020 Date
/s/ Bryce L. Callahan Bryce L. Callahan Yetter Coleman LLP Attorney for Defendant Eli Lilly and Company	1/31/2020 Date
/s/ Joshua L. Fuchs Joshua L. Fuchs Jones Day Attorney for Defendant Sanofi-Aventis U.S. LLC	1/31/2020 Date

/s/ Winstol D. Carter, Jr. 1/31/2020 Winstol D. Carter, Jr. Date Morgan, Lewis & Bockius LLP Attorney for Defendants Express Scripts Holding Company Express Scripts, Inc. ESI Mail Pharmacy Services, Inc. Express Scripts Pharmacy, Inc. /s/ Justin E. VandenBout 1/31/2020 Justin E. VandenBout Date Chamberlain, Hrdlicka, White, Williams & Aughtry Attorney for Defendants Optum, Inc. and OptumRx, Inc. <u>/s/ Larry R. Veselka</u> 1/31/2020 Larry R. Veselka Date Smyser Kaplan & Veselka, L.L.P. Attorney for Defendants **CVS Health Corporation** Caremark RX, L.L.C. Caremark, L.L.C. Caremark PCS Health, L.L.C. Caremark Texas Mail Pharmacy, LLC Aetna RX Home Delivery, LLC Aetna Pharmacy Management Services, LLC /s/ Randall L. Christian 1/31/2020 Randall L. Christian Date Bowman and Brooke LLP

Attorney for Defendant Novo Nordisk Inc.